

**CITY OF LOCKPORT**  
**CORPORATION PROCEEDINGS**

Lockport Municipal Building

Regular Meeting  
Official Record

July 18, 2012  
6:00 P.M.

Mayor Michael W. Tucker called the meeting to order.

**ROLL CALL**

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, McCaffrey, Fogle, Schrader, and Genewick.

**RECESS**

Recess for public input.

**071812.1**

**APPROVAL OF MINUTES**

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of July 2, 2012 and July 11, 2012 are hereby approved as printed in the Journal of Proceedings. Ayes 6. Carried.

**PUBLIC HEARING**

The Mayor announced a public hearing on Local Law #2012-2, amendment to the Refuse & Recycling Code.

The Mayor asked the City Clerk if any petitions or communications relative to said Local Law have been received.

Recess for public input.

The Mayor Closed the Public Hearing.

**FROM THE MAYOR**

**Appointments:**

7/10/12      Richelle J. Pasceri, 39 Lindhurst Drive, Lockport, NY – re-appointed as City Clerk effective July 1, 2012. Said term expires June 30, 2017.  
Received and filed.

7/17/12 Brian M. Mullaney, 75 Lindhurst Drive, Lockport, NY – appointed as Water Treatment Plant Instrument Tech effective July 17, 2012. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.  
Received and filed.

7/17/12 Carter M. Hawkes, 5615 Angela Drive, Lockport, NY – appointed as Public Works Supervisor effective July 17, 2012. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.  
Received and filed.

### **FROM THE CITY CLERK**

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments.  
Referred to the Finance Committee.

**Communications** (which have been referred to the appropriate City officials)

#### **Notice of Defect:**

7/9/12 82 Beverly Avenue, Lockport, NY – tree  
7/11/12 645 Locust Street, Lockport, NY – tree  
7/12/12 37 Mill Street, Lockport, NY (second notice) – tree  
Referred to the Director of Engineering.

### **MOTIONS & RESOLUTIONS**

#### **071812.2**

By Alderman Genewick:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on July 20, 2012.

Seconded by Alderman Lombardi and adopted. Ayes 6.

#### **071812.3**

By Alderman Genewick:

Resolved, that claims authorized for payment by the Director of Planning and Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

#### **071812.4**

By Alderman Lombardi:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Kenneth D. Swan, former City of Lockport Mayor who recently passed away.

Seconded by Alderman Fogle and adopted. Ayes 6.

**071812.5**

By Alderman Lombardi:

Resolved, that the Mayor and Common Council do hereby extend condolences to the family of Edward Sliker, a retired City of Lockport Streets Department employee who recently passed away.

Seconded by Alderman Schrader and adopted. Ayes 6.

**071812.6**

By Alderman Lombardi:

Resolved, that pursuant to their request, the United Way of Greater Niagara is hereby granted permission to conduct a 2012 Norm Sinclair Family Walk on Saturday, September 29, 2012 and to barricade Market Street from North Adam Street to Wide Waters Marina between the hours of 7:30 a.m. – 1:00 p.m. and to erect a tent at Nelson C. Goehle Park for said event, subject to approval of the walk route by the Police Chief and the United Way of Greater Niagara filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Director of Engineering is hereby authorized and directed to arrange for deliver of barricades, traffic cones, and street closed signs and arrange to have the restroom open at the park on said date.

Seconded by Alderman Kibler and adopted. Ayes 6.

**071812.7**

By Alderman Schrader:

Resolved, that the 2012 Sewer Fund budget be amended by adding \$1308.00 to account #003-8160-0100 to reflect the removal of the Compost Worker and the addition of a Heavy Equipment Operator.

Seconded by Alderman Lombardi and adopted. Ayes 6.

**071812.8**

By Alderman Kibler:

WHEREAS, on April 5, 2006 the City of Lockport Common Council enacted Local Law No. 2-2006, Chapter 151 of the City of Lockport Code prohibiting any person convicted of a sexual offense against a minor or received a level 2 or 3 designation as defined under Article 60C of the New York State Corrections Law from residing within a radius of 1,000 feet of a public or private school, nursery, playground or park, and

WHEREAS, section 4-a of article 65.10 of the Penal Law restricts level 3 sex offenders who are also subject to a sentence of probation or parole, and

WHEREAS, State and Federal courts are striking down city, town and county sex offender residency laws that exceed the state's law on the basis that the local laws are pre-empted/superseded by article 65.10 of the New York State Penal Law. Now therefore be it

Resolved, that the Corporation Counsel is hereby authorized and directed to prepare a Local Law to repeal Chapter 151, Sex Offenders, and be it further

Resolved, that a public hearing be held at the Common Council meeting of August 1, 2012 starting at 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to said local law, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

## **071812.9 (WITHDRAWN – Local Law #2012-2 Amend Refuse & Recycling)**

### **071812.9A**

By Alderman Kibler:

Resolved, that the bid proposal of Jameson Roofing Co., Inc, 3761 East Lake Road, Dunkirk, NY received on June 22, 2012, for Municipal Facilities Improvements – City Job No. 2336G – General be rejected.

Seconded by Alderman Genewick and adopted. Ayes 6.

### **071812.9B**

By Alderman Schrader:

Resolved, that pursuant to the request of Julie Muscato, property owner of Julie Muscato Interior Design, 80 Main Street, Lockport, NY, permission is hereby granted to erect and maintain a sign in the City's right-of-way at 80 Main Street, Lockport, NY subject to the following provisions:

that upon motion of the Common Council, duly adopted by a majority vote only, and thirty days notice from the City Clerk, the sign must be removed,

filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, leaving the City free and clear of all liability in connection therewith,

Seconded by Alderman Lombardi and adopted. Ayes 6.

### **071812.9C**

By Alderman Lombardi:

WHEREAS, the City of Lockport ("City") is a New York Municipal Corporation with offices at One Locks Plaza, Lockport, New York, 14094 and the Greater Lockport Development Corporation ("GLDC"), is a Local Development Corporation with offices also at One Locks Plaza, Lockport, New York, 14094, and

WHEREAS, the City and the GLDC initially acquired 16 Church Street and 18 Church Street along with several other properties along Canal Street from private owners by negotiated sale, and

WHEREAS, the City of Lockport is the titled owner to the subject premises by deed dated June 29, 2006 and recorded in the Niagara County Clerk's Office on July 7, 2006 in Liber 3364 of Deeds at page 308, and

WHEREAS, the City of Lockport leased the subject premises to the Greater Lockport Development Corporation dated June 29, 2006 and recorded in the Niagara County Clerk's office on July 7, 2006 in Liber 3364 of Deeds at page 315 for a period of forty-two (42) years for purposes of redevelopment, leasing and eventual sale, and

WHEREAS, the aforesaid parcels have been vacant for the past ten years, and

WHEREAS, the area is economically depressed and in desperate need of jobs and pedestrian traffic, and

WHEREAS, in an effort to generate interest in the block, the GLDC retained Waterbourne Realty who placed signage in front of the buildings, advertised on a national commercial real estate website known as LoopNet, made property information available on it's website, produced a color marketing piece that has been distributed to target audiences and the commercial brokerage industry throughout Upstate new York, and

WHEREAS, as a result of Waterbourne's successful marketing efforts Douglas Zimmerman has decided to renovate and expand his existing business located on Church Street and has tendered a purchase and sale contract dated June 17, 2012 for two vacant unimproved lots commonly known as 16 Church Street for the sum of \$500.00 and 18 Church Street the sum of \$1,500, and

WHEREAS, the two vacant parcels are needed by Mr. Zimmerman to expand his business and given the size and location of each vacant parcel the City and the GLDC have determined that neither parcel serves a public benefit and in its present condition presents a liability to both the City and the GLDC. The first vacant parcel is contained within Mr. Zimmerman's commercial parking lot and due to the size and location is not currently maintained by either the City or the GLDC. The second vacant parcel is located behind Mr. Zimmerman's garage and is presently covered in vegetation.

NOW THEREFORE BE IT

RESOLVED, that in accordance with C-61 of the City Charter the Mayor be and is hereby authorized to execute a contract of sale with Douglas Zimmerman for the sale of 16 Church Street for the sum of \$500 and the sale of 18 Church Street for the sum of \$1,500, and be it further

RESOLVED, that in accordance with Section 190-186 E of the City Code the aforesaid proposed sale shall be referred to the Planning Board for a report thereon and if the Planning Board fails to report within 45 days after reference by the Common Council the proposed sale shall be deemed to be approved by the Planning Board, and be it further

RESOLVED, the Mayor be and is hereby authorized to execute a deed and related documents in accordance with the above.

Seconded by Alderman Schrader and adopted. Ayes 6.

#### **071812.9D**

By Alderman Schrader:

Resolved, that pursuant to the request of Benny Builders, LLC, 486 Union Road, West Seneca, NY, permission is hereby granted to install scaffolding in the City's right of way on Main and Elm Streets surrounding the Palace Theater for the purpose of resurfacing the building beginning July 19, 2012. Said permission is subject to Benny Builders, LLC filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman McCaffrey and adopted. Ayes 6.

#### **071812.10**

#### **ADJOURNMENT**

At 6:30 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, August 1, 2012.

Seconded by Alderman Genewick and adopted. Ayes 6.

RICHELLE J. PASCERI  
City Clerk